

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

DAN GOLUBIEWSKI and STEVEN  
CHECCHIA, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

DAVE INC.,

Defendant.

Case No. 3:22-cv-02077

(Hon. Karoline Mehalchick)

**JOINT STATUS REPORT**

On May 20, 2024, the Court stayed this case, and directed counsel to file a status report upon: (1) resolution by the Pennsylvania Supreme Court of *Chilutti v. Uber Technologies, Inc.*, No. 257 EAL 2023; or (2) action by the Third Circuit in *Checchia v. Solo Funds, Inc.*, No. 23-2193, lifting the stay in that matter. (Doc. 58.)

On August 8, 2024, the Third Circuit lifted the stay in *Checchia*, and vacated and remanded the matter so the parties could conduct limited discovery related to arbitrability. (See Exhibit A (*Checchia* Opinion).)<sup>1</sup> Given the Third Circuit's opinion in *Checchia*, the parties respectfully request that they be permitted to conduct limited discovery related to arbitrability for a period of 90 days, after which time the parties

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<sup>1</sup> As of August 8, 2024, the *Chilutti* petition for allocatur remains pending.

will discuss a stipulation to provide supplemental briefs regarding Defendant's motion to compel arbitration.

Dated: August 13, 2024

/s/ Kevin Abramowicz

Kevin Abramowicz

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Dated: August 13, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 13, 2024, this Status Report was served on all counsel of record electronically via the Court's CM/ECF system.

/s/ Kevin Abramowicz

Kevin Abramowicz